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Groupism and the politics of indigeneity: A case study on the Sámi debate in Finland

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Abstract

The article addresses the problems of defining an indigenous people by deconstructing the Sámi debate in Finland, which has escalated with the government's commitment to ratify ILO Convention No. 169. We argue that the ethnopolitical conflict engendered by this commitment is a consequence of groupism, by which, following Rogers Brubaker, we mean the tendency to take discrete groups as chief protagonists of social conflicts, the tendency to treat ethnic groups, nations and races as substantial entities and the tendency to reify such groups as if they were unitary collective actors. The aim of the article is to deconstruct groupist thinking related to indigenous rights by analytically separating the concepts of group and category. This allows us to deconstruct the ethnicised conflict and analyse what kinds of political, social and cultural aspects are involved in it. We conclude that indigeneity is not an ethnocultural, objectively existing fact, but rather a frame of political requirements.

Keywords

Groupism, group, category, indigeneity, the Sámi

Introduction

No concept is as pivotal to a discussion of the legal status of indigenous peoples as that of 'group'. For an indigenous people to acquire group rights under national law, the subject of these rights shall be defined according to the criteria of international law. A group, then, is the subject whose rights are regulated by international and national law.

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Indigenous people is a category in international law. The term ‘indigenous’ was adopted more widely in international legal discourse during the late 20th century when coalitions working at the United Nations and elsewhere integrated gradually ‘indigenous peoples’ rights’ as part of international customary law (Bowen, 2000). It is estimated that there are over 300 million indigenous people spread across the world in more than 70 countries. Among them are the Indians of the Americas, the Inuit and Aleutians of the circumpolar region, the Sámi of Northern Europe, the Aborigines and Torres Strait Islanders of Australia and the Māori of New Zealand (Merlan, 2009).

Although the category of indigenous people is established in international law, the definition of indigenous peoples at local and national levels is a subject of ongoing controversy worldwide. There have been numerous instances where legal measures taken by states to protect indigenous peoples have challenged these people’s traditional group-making practices or created new forms of indigenous identification and group-making (see e.g. Alfred and Corntassel, 2005; Barcham, 2000; Simpson, 2000; Valkonen et al., 2014). The criteria of indigenous people are inevitably open to interpretation, strategic use and opportunism, not only by people claiming indigenous status, but also by lawyers and academics (Kenrick and Lewis, 2004).

The Sámi are an indigenous people of the European North. In Finland, the actions taken by the Finnish State to promote ratification of ILO Convention No. 169, a central international convention guaranteeing the rights of indigenous peoples, have prompted heated political debate about who, at the individual level, are Sámi and therefore subjects of indigenous rights. In Finland, the Act on the Sámi Parliament founding cultural autonomy of the Sámi came into effect 20 years ago. It provides the following definition of a legal Sámi subject who is entitled to vote in elections to the Sámi Parliament:

For the purpose of this Act, a Sámi means a person who considers himself a Sámi, provided:

1. That he himself or at least one of his parents or grandparents has learnt Sámi as his first language;
2. That he is a descendant of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp; or
3. That at least one of his parents has or could have been registered as an elector for an election to the Sámi Delegation or the Sámi Parliament. (The Act on the Sámi Parliament, 1995/974)

From the very outset, this definition, as well as the actions of the Sámi Parliament, has met with heavy criticism in Finland. On the one hand, the Sámi people themselves argue that subsection (2) of the definition of Sámi, the so-called Lapp clause which refers to historical tax records, is not consistent with their own understanding of Samíness. On the other hand, this clause has enabled the local

people, whom the Sámi in general have mostly considered to be Finns, to articulate their own kind of indigeneity (see Hänninen, 2003; Hirvonen, 2001; Pääkkönen, 2008; Valkonen, 2009).

In this article, we set out to develop the argument that the concept of indigenous people remains blurred as it can be interpreted as either criterial or relational. Criterial interpretations emphasise that there exists some set of 'objective' criteria or conditions that define an indigenous people, whereas relational interpretations emphasise the relationship between the "indigenous" and their "others" rather than properties inherent only to those we call "indigenous" (see Merlan, 2009).

In Finland, the criterial interpretations of indigeneity enabled by Sámi legislation and ILO Convention 169 have challenged the traditional relational conception of 'Sáminess' based on kin- and language-based ethnic recognition. This has led to an ethnopolitical conflict – a Sámi conflict as Veli-Pekka Lehtola (2015) has it – between the Sámi political establishment, the State of Finland and locals with various ethnic backgrounds. Ethnopolitical conflicts are typically understood as being conflicts between ethnic groups: the thinking is that the main protagonists, the heroes and martyrs of such struggles are ethnic groups (Brubaker, 2004). This is what Rogers Brubaker calls 'groupism': the tendency to take discrete, bounded groups as chief protagonists of social conflicts; the tendency to treat ethnic groups, nations and races as substantial entities to which interests and agency can be attributed and the tendency to reify such groups as if they were unitary collective actors with common purposes (Brubaker, 2004: 8–10).

Our contention here is that groupism occurs regularly and routinely in the context of indigenous rights in the sense that a group is taken to be unproblematic, a given that requires no deconstruction or justification. The problematique that this gives rise to is that, although group is a problematic concept in itself, it is central to the implementation of minority rights. It is this problematique that lies at the heart of the conflicting situation over the subjects of Sámi rights and ILO Convention 169 in Finland.

In this article, we set out to deconstruct the groupist thinking that is inherent to indigenous rights by drawing an analytic distinction between the concepts of 'group' and 'category'. Following Rogers Brubaker (2004), we assume that this will allow us to deconstruct the ethnicised conflict and identify and analyse the various political, social and cultural aspects involved in the conflict. We ask what kinds of ethnic groups are represented as the main culprits of the conflict, how is their existence produced and what kind of groupness is suggested to exist in the groups? We also ask: How do activists – or as Brubaker has it, the ethnopolitical entrepreneurs – of different sides of the conflict present their demands and arguments by framing them as ethnic?

According to Brubaker, ethnicity, race and nation are not things in the world but perspectives on the world: ways of seeing, interpreting and representing the social world (Brubaker, 2004; Brubaker et al., 2004). Thomas Hylland Eriksen (2001) has criticised this kind of interpretation of ethnicity because it underestimates the importance of social commitments and emotional sense of belonging. In

many societies ethnicity is almost tantamount to kinship obligations, from which one cannot easily escape. It is not just a cognitive or interpretative act, but also the source of people's sustenance. We agree with Eriksen that social commitments and emotional belonging are crucial parts of ethnicity. However, re-evaluating the ethnicised conflict by deconstructing the groupism of the conflict does not mean denouncing the ethnicised reality or underestimating its relevance or denying the existence of groups. On the contrary, our aim is to analyse and explain the meaning and importance of ethnicity and ethnic groups in a new way, and so to open up alternative views on indigenous rights.

We claim that deconstructing the groupism of the conflict at hand allows approaching the ethnicised reality as processes of reification, framing and articulation and thus analysing ethnicity and its particular articulation, indigeneity, as flexible and negotiable instead of approaching them as discoverable entities or objectively existing facts. That kind of tendency, in other words, approaching indigeneity categorically, has been typical to this conflict. A common argument both in political discourse as well as in certain academic discourse related to the conflict has been that there is an urgent need to solve the question of who actually are indigenous based on objective facts. Our purpose is to analyse ethnicity and indigeneity as interpretative acts, which are related to politics as well as everyday life and human perception. The analytical focus is then relocated from different groups to group-making (see Brubaker et al., 2004).

The basic units of analysis in our article are the concepts of group and category, and we develop our analytical argument by deconstructing the conceptions of indigenous peoples and Sáminess found in both research and the rhetoric of ethno-political entrepreneurs. Empirically our analysis is based, first, on an extensive newspaper material around the conflict gathered and analysed by one of the authors within her research projects (see Hirvonen, 2001; Valkonen, 2009). Second, we have used research done on the topic to analyse discourses and rhetoric of ethno-political entrepreneurs in different periods since the 1990s (see Hänninen, 2003; Hirvonen, 2001; Lehtola, 2015; Pääkkönen, 2008; Valkonen, 2009). Previous research about the Sámi conflict in Finland (Junka-Aikio, 2014; Lehtola, 2015; Valkonen et al., 2014) has shown how certain academic research has functioned as an important source of ethno-political argumentation and activism and thus, it has had a central role in shaping the Sámi debate in Finland. For that reason, we analyse the conceptions of indigeneity, Sáminess and ethnicity used in this particular academic research (e.g. J Joona, 2013; T Joona, 2012, 2013a, 2013b; Sarivaara, 2012).

Research has evidently an important political role in this conflict – researchers are either themselves active in the conflict or their research functions as legitimation of certain arguments. It is thus important to position ourselves too, as there is no neutral gaze to these kinds of struggles over indigeneity. Positioning ourselves is also part of larger epistemic discussion of research concerning indigenous peoples and other minorities which stresses that all knowledge is situated and also part of larger power discourses influencing on indigenous peoples' lives (see Smith, 1999). Two authors of this article are Sámi social scientists and one is a Finnish legal scholar specialising in minority rights.

Indigenous people as a category in international law

'Indigenous people' is a legal category used to describe certain kinds of (ethnic) groups. It is a conceptual innovation designed to help find a solution to the specific problems of those groups. These include the assimilation of these people and the endangerment of their traditional livelihoods and environments (Merlan, 2009; Pääkkönen, 2008; Rodriguez-Piñero, 2005).

The international indigenous movement was born in the 1970s (Seurujärvi-Kari, 2012). It soon came to play a part in the formation of international law. In the early 1980s, the UN set up a working group that included representation of indigenous peoples' organisations. From the mid-1980s onwards, this working group started to draw up a UN declaration of the rights of indigenous peoples (Charters and Stavenhagen, 2009).

The work to improve the rights of indigenous peoples has advanced on many fronts. First of all, indigenous peoples' organisations are continuing their efforts to produce international conventions and declarations that consolidate the group rights of indigenous peoples. During the past four decades, indigenous peoples have gained various individual and group rights in international law. This is both the achievement of the international movement of indigenous peoples and the development of general human rights. The rights of indigenous peoples are recognised by an increasing number of human rights bodies (Human Rights Committee, 1994; Koivurova, 2008; Rodriguez-Piñero, 2005).

In 1989, the ILO concluded the only modern international convention on the rights of indigenous peoples, which is designed to allow indigenous peoples to maintain their distinctive cultural features alongside the majority culture. Although ILO Convention No. 169 was intended as a universal international convention, it has never actually become one: it has been ratified by only 22 nations, most of which are in Latin America. This is one of the reasons why the UN Declaration is so important, for it was adopted at the General Assembly in 2007 by 143 nations. Despite their initial opposition, even the United States, Canada, Australia and New Zealand have since endorsed it, albeit with certain provisos.

The UN Declaration has become a major instrument consolidating the rights of indigenous peoples, even though it is a General Assembly resolution and thus legally non-binding. The reason for the weight and importance of this instrument is that innovative arrangements made it possible for nation-states and the organisations of indigenous peoples to negotiate it over a long period of time, and therefore it actually reflects the level of political willingness on the part of nations to guarantee the rights of indigenous peoples.

Indigenous peoples' specific rights have also been developed and endorsed by augmenting general conventions on human rights. This has involved bodies overseeing international human rights conventions interpreting their respective conventions on human rights to take into account the unique features of indigenous peoples.

Although all these normative actions have taken place on the international level, there still exists no universal definition of indigenous peoples. Because colonisation

around the world has created a variety of different arrangements between indigenous peoples and majority cultures, no real attempt has been made to come up with a general definition. During the negotiations preceding the UN Declaration, the attempt towards these efforts were wilfully abandoned, and the United Nations Permanent Forum on Indigenous Issues has since emphasised a pragmatic approach to defining what kind of a group constitutes an indigenous people. This does not mean to say that there has been no guidance towards such a definition. UN bodies frequently use the working definition by Jose Martinez-Cobo as presented in his study on the conditions of indigenous peoples (see Martinez-Gobo, 1986).

The only international legal instrument where guidance is given as to who are indigenous people can be found in ILO Convention 169, even if this guidance applies to only those states that have become parties to the Convention:

1. This Convention applies to:

- (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply. (The ILO Convention No. 169)

In its *Guide to the Convention*, the ILO states that, rather than seeking to strictly define the peoples to whom the convention applies, the purpose of the Convention is instead to offer a description of the peoples and tribes it seeks to protect (ILO, 2009: 9). The most important criterion of the definition is the group's self-understanding as an indigenous people. It is also important that the current group has a historical connection to the region and that it continues to uphold at least some of its social, economic, cultural and political institutions.

The ILO Convention No. 169 does not specify how decisions are made as to who gets to be a member of an indigenous people. A Manual of the Convention however brings forth the group acceptance as an objective criterion: 'A specific indigenous or tribal group or people meets the requirements of Article 1.1, and recognizes and accepts a person as belonging to their group or people' (ILO, 2003: 8). Also according to Martinez-Gobo's definition (1986), an individual has to identify him or herself as a member of an indigenous people, while the group has to recognise and accept the individual as a member. For Martinez-Cobo, the group

has the sovereign right and power to decide who it accepts as members. Among the international bodies overseeing international human rights conventions, the Committee on the Elimination of Racial Discrimination (CERD) has twice intervened to criticise the legal definition adopted in Finland of who is a Sámi. First, it argued that the basis for group membership should be the individual's self-identification (CERD, 2009). Two years later, the committee reversed its stance and, referring to the UN Declaration, stated that membership decisions should be made in accordance with the autonomy of indigenous peoples, thereby granting groups the right to choose their own members (CERD, 2011). Article 33 of the United Nations Declaration on the Rights of Indigenous Peoples states that:

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

In the Finnish legal system, the development of indigenous peoples' rights in general has importantly contributed to increase the amount and scope of their rights. Since there exists no universal definition of indigeneity, the indigenous status of groups is a question that is left to national law, even if international law also influences it. In Finland the case should be clear: the constitution stipulates that we have only one indigenous people, the Sámi, who have their own representative body, the Sámi Parliament, and their own Homeland within which they have linguistic and cultural autonomy. Although the definitions proposed by Martínez-Cobo, CERD or the UN Declaration all take a stand on who should decide on the question of membership of an indigenous people, also this is traditionally settled under the national legal system.

Group and category as tools for deconstructing groupism

The problematique of defining an indigenous people in local contexts is a well-known topic in the field of anthropological and ethnicity studies. It has often been noted that literal interpretations of the international law's concept of indigenous people have led to serious misunderstandings and socio-political problems in different parts of the world (see Kenrick and Lewis, 2004; Merlan, 2009). Although indigenous peoples have reclaimed the concept of indigeneity through intense efforts in international forums since the 1960s, the political and legal category is creation of colonisation, i.e. the attempt of state powers to control these peoples (see Zips, 2006). The categorical opposition of indigenous and non-indigenous, conceived as descendants of natives and settlers, is itself a colonialist construction (Ingold, 2000: 151), but nonetheless repeatedly reproduced in political and academic discourses on indigenous peoples (Sissons, 2005: 39). Therefore, we claim

that the concept of indigeneity must be understood in the context of both current ethnic and power relations and the political struggle over recognition and rights, not as an attribute of certain people (see also Ingold, 2000). In order to understand indigenous peoples' current situation, it is imperative that we perceive the concept of indigeneity in terms of relationships and processes rather than abstract categories. In many places, the term 'indigenous' is best understood relationally.

The question of what is an indigenous people as a group, in other words how to define the individual subjects of indigenous (group) rights, has dominated the public discussion and problematised safeguarding the rights of the Sámi people in the State of Finland. Since the 1990s and the entry into force of new Sámi legislation, northern Finland has witnessed the birth of overlapping ethnopolitical movements that are seeking to rebuild, define and challenge the prevailing conception of Sáminess and indigeneity in Finland. These include the so-called (neo) Lapp movement and the more recent movement of the so-called non-status Sámi and reborn forest Sámi. The category of (neo) Lapp has emerged over the past few decades to refer to people who claim to be indigenous based on their having lived in the region for a long time, often practising traditional livelihoods, and having tax-Lapp ancestry. In the situation where the Sámi had achieved a new political status and were poised to gain cultural autonomy, they started to call themselves Lapps, a former pejorative name for the Sámi given by the majorities, and they claimed they were an indigenous people. However, they were not identified or recognised as ethnic Sámi among the Sámi themselves (see Pääkkönen, 2008; Valkonen, 2009).

In the 2010s, the ethnic categorisation of the Sámi region has become increasingly diversified and complicated. Recent academic research has helped to construct new identity categories that seek to redefine and recategorise indigeneity and Sáminess. The analytical category of non-status Sámi presented by Erika Sarivaara in her doctoral thesis (2012) has prompted ethnopolitical mobilisation. Adapted from the North American (political) concept of 'non-status indian', a non-status Sámi is defined by Sarivaara as a person who is not included in the Sámi electoral roll, but who has distant Sámi ancestry, has possibly but not necessarily learnt the Sámi language and possibly but not necessarily identifies as a Sámi, (Sarivaara, 2012: 23). The category of non-status Sáminess partly overlaps with the category of Lapp.

Historical forest Sáminess was introduced as an ethnic category from the outset of the (neo) Lapp movement. Recent research has sought to disprove the prevalent view that the forest Sámi culture was destroyed under settlement pressure (see Enbuske, 2013; J Joona, 2013; Saarinen, 2013). Additionally, traditional clothes and other cultural markers of forest Sáminess have been revived. Descendants of the historical forest Sámi have sought recognition for their Sáminess and thereby the status of political citizenship in contemporary Sámi society. According to the public discussion related to the issue, contemporary Sámi, however, do not generally recognise the descendants of the forest Sámi as Sámi, but consider them to be Finns (see Lehtola, 2015). The forest Sámi have been portrayed by some researchers and by ethnopolitical activists as the true indigenous people of Northern

Finland and as most closely meeting the ILO 169 criteria of indigeneity (see Hirvonen, 2001; J Joona, 2013; Lehtola, 2015). Descendancy from the region's most original inhabitants is thereby considered the most important defining factor of an indigenous people (J Joona, 2013).

The Sámi Parliament, the official representative of the Sámi people in Finland, has maintained a strict (some critics would say arbitrary) policy of enrolment into the Parliament electoral register and thereby of recognising individuals as members of the Sámi group. This policy is justified by the threat of assimilation.

The Finnish government's long-term commitment to ratify the ILO 169 Convention has further created a need to define the legal Sámi subjects of indigenous rights. The definition of a Sámi in the Act on the Sámi Parliament was developed for this very purpose and thereby produced the *category* of Sámi. The groupism inherent in the indigenous discourse produced by international law has led local people, who literally fulfil the criteria of the Sámi definition but who are not recognised as members of, and by, the Sámi *group*, to forming new categories and to speaking of themselves as groups (the Lapps, the forest Sámi, the non-status Sámi), demanding their rights as indigenous people especially in reference to the ILO 169 Convention. Since groupism maintains a substantial way of thinking, in other words sees groups as independent substantial entities with interests and agency, the ratification of ILO Convention 169 and the related local conflict have been interpreted and represented in public as a conflict between ethnic (sub) groups. In other words, group and category have been confused. On the one hand, this has led to contemporary Sámi ethnicity and the status of the contemporary Sámi as an indigenous people being challenged through interpretations that emphasise literal readings of international conventions on indigenous rights. On the other hand, representation of the conflict as primarily a dispute between two or more ethnic groups, or subgroups, has veiled the (material) interests that may play a role in the conflict but are represented as just ethnic.

According to Brubaker, it is common in ethnopolitical conflicts that the ethnopolitical entrepreneurs routinely frame their aims in groupist terms as struggles between ethnic groups. By representing the conflict as a dispute between ethnic groups, the ethnopolitical entrepreneurs create important resources for social and political battles. By appealing and referring to groups, they seek to create, gather and bring out groups in order to encourage, instigate, justify and mobilise people to act. As a social process, groupism is essential to politicised ethnicity (Brubaker, 2004: 9–10).

As Brubaker (2004) points out, academic research should not embrace the political fictions of the ethnopolitical entrepreneurs as an explanatory factor, but see them instead as an object of empirical enquiry. An assessment of ethnic conflicts need not begin with ethnic groups; it is much more useful to take category as the unit of analysis. By consistently distinguishing between groups and categories, it is possible to problematise their relationship instead of relying on simple assumptions (2004: 12–14). Distinguishing between groups and categories is necessary, because

it is the only way to avoid considering groups as independent substantial entities with interests and agency.

If by “group” we mean a mutually interacting, mutually recognizing (...) collectivity with a sense of solidarity, corporate identity, and capacity for concerted action, or even if we adopt a less exigent understanding of “group,” it should be clear that a category is not a group. (2004: 12)

A category, Brubaker writes (2004: 12), is ‘at best a potential basis for group-formation or “groupness”’.

We argue here that, in order to analyse ethno-political conflicts, it is necessary to problematise the relationship between category and group. In other words, it is necessary to explore how people and organisations do things with ethnic categories, how these categories structure vernacular knowledge and judgments, and what level of groupness is connected to given categories. The object of analysis is thus the politics of categories: how, why and in what situations are ethnic categories used to explain problems and problematic situations, and how are categories used in doing things (see, e.g. Skey, 2011; Valkonen and Ruuska, 2012; Yuval-Davis, 2011).

We proceed to problematise the relationship between category and group, and analyse what kinds of categorisations are produced and what kinds of mechanisms of inclusion and exclusion are used in the conflict at hand. This makes visible the many ways in which ethno-political entrepreneurs ethnicise points of contention. It is also important to consider the many ways in which ethnicity can exist and work without having to assume the existence of concrete ethnic groups as substantial entities.

Constructing the category of indigenous people

According to Brubaker, categorisation by its very nature creates ‘groups’ and assigns members to those groups. Groups created via categorisation do not exist without countless public and private acts of categorisation that sustain them. Categorisation produces groups, but this does not mean to say that they are groups in the actual sense (Brubaker, 2004: 8–10). The Lapps, the non-status Sámi and the forest Sámi are being resurrected as groups, but it is unclear whether these categories are, or have ever been, cohesive communities, actual groups, and in that sense, the main actors in the conflict. The peculiar thing about this ethno-political conflict is that the categories involved are perceived as ethnic groups. Therefore, it is necessary to examine how ethno-political entrepreneurs try to bring and produce groupness to, and by, the categories. In this process, it is crucial how indigeneity is conceptualised. In our analysis, we illustrate how groupness is being produced within categories by defining indigeneity in three ways: by interpreting descendancy, territoriality and identification in purpose-oriented ways.

Descendency

In the search for evidence for Sámi and/or indigenous subjectivity, recent political and academic discussions have tended to focus on the criterion of descendency. Ethnopolitical entrepreneurs have tried to find historical grounds to prove their indigeneity by studying the historical tax records maintained by the state (see e.g. Vgdsámit.blogspot.fi). The ancestors identified in these records are regarded as original inhabitants of a given territory, proving the true indigeneity of their descendants (see Pääkkönen, 2008).

This interpretation is founded on thinking which has it that ethnicity or indigeneity equals descendency and does not require ethnocultural cohesion. In fact, descendency is seen to be more important than ethnocultural cohesion or group-based recognition. Descendency is regarded as a shared attribute that connects people within the given category. Researchers have also contributed to this discussion. According to the legal scholar Juha Joona:

Although there are different ways of defining indigenous people, the main principle often is that they are in most cases considered to be descendants of the original population of that region who continue to practise traditional uses of the land and waters and traditional livelihoods. These criteria separate indigenous people from other minorities. (J Joona, 2013: 750)

In this interpretation, indigeneity is grounded in descendency from the original population of the region and a connection to this population through place of residence and traditional livelihoods. In other words, original population equals indigenous people. This kind of legal–historical reasoning is based on certain interpretations about Finnish settlement history, which regard the descendants of the historical forest Sámi as the true indigenous people of Finland. Before nation-states were formed, Finnish Lapland was inhabited by a population later called the forest Sámi, who then lost their lands to ‘the immigrating reindeer-herding Sámi’ and Finnish settlers, and who later assimilated into more or less Finnish people. In these interpretations, the descendants of the forest Sámi are considered to form the true indigenous people within the territory of the Finnish State, whereas the contemporary (reindeer-herding/fell) Sámi and their descendants are regarded as immigrants (J Joona, 2013).

It is possible, then, to claim that a person is a member of an indigenous people if it can be proved that this person is a direct descendant of the original inhabitants in that region. Descendency and the related livelihoods are thus presented as elements that produce groupness within the categorical group of indigenous people, variably named as Lapps, forest Sámi or non-status Sámi. Membership of ‘an indigenous people’ is therefore seen as ‘inherited’.

The forest Sámi, the Lapps and the non-status Sámi are labels that are used to distinguish these categorical groups from the contemporary Sámi group. Naming is an ethnopolitical act that encourages, justifies, mobilises as well as creates action

through the reification of a group and by presenting it as a substantially existing historical entity. Naming an ethnic group means reifying it, and as such is an essential act of practising political ethnicity (Brubaker, 2004).

Sámi politicians consider ethnicity mostly in terms of ethnocultural membership of a group. This interpretation also includes the idea of descendency as a key criterion of group membership, but even more important is ‘cultural citizenship’, in other words being recognised and identified as a Sámi within the Sámi group. Being countable within the category of Sámi, for example fulfilling the criteria of the Sámi definition of the Sámi Act, is thereby not enough to guarantee membership of the Sámi group (see Pääkkönen, 2008; Tuulentie, 2001; Valkonen, 2009).

The idea of descendency from the original inhabitants of a given territory is problematic insofar as it obscures the idea that indigeneity is even more about the current relationships between ethnically and culturally distinct groups and majorities at both the state and local level than about individual roots. The ILO 169 Convention was also designed to protect the languages and cultures of today’s remaining indigenous people (see ILO, 2009: 8–23). The indigenous rights protected by the ILO 169 Convention concern the actually existing ethnic and cultural minority groups. The search for descendency from original inhabitants makes indigeneity a category in which contemporary actual groupness has no significance. Furthermore, when an ethnic group is defined through descendency, it is regarded as receptive, open and space creating. In particular, ethnopolitical entrepreneurs speaking on behalf of the (neo) Lapps, the forest Sámi and the non-status Sámi prefer to emphasise this openness – and for a reason. First of all, descendency makes indigenous nationality an ‘inherited’ quality and includes no specific demands for cultural belonging. This kind of conceptualisation of ethnicity comes close to that of a race because it emphasises Sámi inheritance understood as Sámi ‘blood’ which is transmitted from generation to generation and which requires no relational membership to Sámi community.

Regionality

A common way of constructing an ethnic category is to connect a population to a geographical territory. Indigeneity is a form of ethnicity that is particularly firmly rooted in traditional lands (Eriksen, 1993: 126). According to Article 14 of ILO Convention 169, governments have to define the traditionally inhabited lands of indigenous peoples and guarantee effective protection of their rights of ownership and possession. Additionally, the Convention defines an indigenous people as being formed of:

peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain

some or all of their own social, economic, cultural and political institutions. (The ILO 169 Convention, 1989: Article 1)

One of the most important bones of contention is the question of who this definition refers to at the personal and collective levels. Another issue is what is the area that forms the 'historical homeland' of the Sámi where they have special rights over the land and waters as a group. In the debate surrounding the ILO 169 Convention, there are two different interpretations of area, both of which are meaningful in constructing group categories.

The Sámi politicians argue for an interpretation according to which the Sámi homeland is the historical Sápmi, stretching out across the borders of the four nation-states (Finland, Norway, Russia and Sweden). Although the drawing of these national borders separated the Sámi into different countries, it did cause Sámi culture to become fragmented, but a Sámi sense of community and Sámi groupness continues to exist in Sápmi.

The Finnish State bases its interpretation of the Sámi area on a similar understanding. The Ministry of Justice, for example, considers it irrelevant who was 'first' in a certain area, say in the lands of the historical *siidas* (Lapp villages), when it comes to subjectivity of the ILO 169 Convention (see *Luonnon hallituksen esitykseksi Eduskunnalle laiksi saamelaiskäräjistä annetun lain muuttamisesta*, 1998: 26). According to the Ministry of Justice, Sápmi should be considered a trans-national entity in which internal migrations have no bearing on defining indigeneity (1998: 6). A similar conception of the Sámi homeland is articulated in the Nordic Sámi convention draft (see Banks and Koivurova, 2013). Likewise, the Sami Council works with the same definition of the Sámi homeland.

This view of the historical Sámi homeland has been challenged by ethno-political entrepreneurs of the new ethno-political movements. Their interpretation is based on a literal reading of the ILO 169 Convention: in their understanding it is confined within nation-state borders. Some support has been presented for these arguments in academic research. An approach to the ILO 169 Convention and the area it comprehends is that indigeneity should be perceived in relation to the Sámi territory within the Finnish State. What follows from this interpretation is that an indigenous people in Finland should be defined as being composed of the descendants of those who were here, within Finnish borders, first. This has made it possible to argue that there are people in Finland who are truly indigenous to the Finnish region and therefore natural subjects of the ILO 169 Convention. These people are the descendants of the historical forest Sámi. Many contemporary Sámi in Finland are regarded as immigrants who do not fulfil the criteria of ILO subjectivity as they are descendants of migrating reindeer Sámi with no historical connection to the area of the Finnish state and are therefore not indigenous to Finland (J Joona, 2013). It has even been claimed that the contemporary Sámi currently living in Finland have displaced the true indigenous people of Finland, the forest Sámi. This logic denies also the indigenous rights of the Skolt Sámi who were transferred to Finland only after World War II.

The group categorisations presented above are based on confusing ‘population’ with ‘group’. A population is not a group, but an administrative practice for defining people living in a certain area. Belonging to an ethnic group requires greater cohesion than belonging to a population, and it is therefore implausible to claim that the descendants of the original population who lived in the Finnish State’s area constitute a contemporary indigenous people which is an ethnic unity, a group.

Identification

The third practice with which the parties to the conflict seek to invest groupness into categories is identification. Identification as a criterion for belonging to a group is central to the ethnopolitical conflict in question, for the individual’s self-identification as a Sámi lies at the very core of the definition of Sámi in the Act on the Sámi Parliament. Self-identification as a prerequisite for a membership in a group is founded on the universally accepted legal principle according to which belonging to an ethnic group is a right, but no one can be administratively registered as belonging to an ethnic group against their will (Sammallahti, 2013: 33–34). This means that no one can be forced to identify unwillingly and without their knowledge as a member of an ethnic group.

Historically, the Finnish authorities have had clear local records of who is a Sámi and who is not (Lehtola, 2012). Finland has very much been a pioneer in Sámi population research. In 1945, the Society for the Promotion of Lappish Culture sponsored a major genealogical survey on the Sámi in Finland. At the 1959 Sámi Conference in Inari, the Sámi Council suggested launching a joint statistical population survey. In Finland this initiative led to extensive fieldwork based on earlier accounts. The population study has been foundational for the official Sámi electoral register.

One of the key tasks of this population survey was to find out whether the people categorised by the authorities as Sámi considered themselves to be Sámi in order to avoid entering anyone into an ethnic register against their own will. Self-identification, however, is a problematic criterion for ethnicity and an ethnic group. According to Brubaker (2004: 41–43), identification can be either relational or categorical. Identification is relational when one either identifies oneself or is identified by others by position in a relational web, such as in a family, in a web of kinship or friends or in a local community. Identification is categorical when one either identifies oneself or is identified by others by membership of a class of persons sharing some categorical attribute, such as race, ethnicity, language or nationality. Brubaker (2004: 47) emphasises that neither shared attributes nor connectedness, i.e. relational ties that link people, can engender groupness alone, but together they may have such an effect.

The Sámi parliament has repeatedly emphasised the importance of identification for membership of the Sámi group. A person who fulfils the official criteria of Sáminess as laid down in the Act on the Sámi Parliament must identify him/herself

as a Sámi but must also be identified as Sámi by the contemporary Sámi community. From the very outset the Sámi Parliament has stressed that belonging to the Sámi group cannot consist of either simple self-identification or categorical belonging, but it requires relational contacts. If a person has Sámi ancestry and experiences Sáminess, but is not identified as a member of the Sámi group by the other Sámi of the region, then he or she is not accepted into the electoral register of the Sámi Parliament. The importance of relational identification is justified by the right of an indigenous people to determine its own members (see United Nations, 2007).

This interpretation of group is grounded in the combination of categorical and relational identification. The Sámi ethnopolitical entrepreneurs are committed to the notion of identification that is based on, and produces, groupness. The official criteria of Sáminess laid down in the Act on the Sámi Parliament are the minimum requirements for membership of the Sámi group, but only relational identification can guarantee that a person may be recognised as Sámi and obtain membership of the Sámi group.

The new ethnopolitical movements and some researchers have heavily criticised the claim for communal group identification. It has been considered discriminating, intolerant and arbitrary and to be in violation of universal human rights (T Joona, 2012; Sarivaara, 2012). These interpretations consider the identificatory claim of the Sámi definition in the Act on the Sámi Parliament in terms of the individual's self-identification. For example, Sarivaara (2012: 227) says that the awareness of the forest Sámi of their Sáminess has been passed on from generation to generation *hidden* among other cultural characteristics. Because of their 'hidden awareness', the so-called non-status Sámi are not recognised among the contemporary Sámi group as Sámi, making them feel that they are not accepted by the contemporary Sámi community and that their Sáminess is repressed or denied. Sarivaara (2012: 238) suggests that a non-status Sámi should be accepted as Sámi if they 'consider herself as Sámi; can prove Sámi ancestry and speak Sámi'.

Tanja Joona (2013a: 9–11; see also T Joona, 2012, 2013b) suggests that in the very end belonging to an indigenous people is an individual choice. In some cases a person can decide to be or not to be a member of an indigenous people, since this is the way the status is seen in international law. Joona grounds her argument by referring to Myntti (1997: 26–27), who discusses two rulings by the Human Rights Committee according to which indigenous peoples have certain freedoms and rights to decide on their membership criteria. Indigenous peoples do not, however, seem to have the right to decide on their members *alone*; this has to be based on international human rights conventions. This, according to Joona (2013a: 11–12), means that as far as the ILO 169 Convention is concerned, the focus is not so much on defining the people who belong to an indigenous people, but rather on 'finding' the people to whom the convention applies. For that reason it is necessary to take into account the exact formulations in the convention regarding the criteria of its application. It is thereby essential to secure the rights of those 'indigenous individuals' as ILO 169 subjects who do not belong to the Sámi group, in other words who are not included in the Sámi Parliament electoral register (Joona, 2012: 512).

The above interpretations draw on the idea of categorical identification, according to which membership of a group is a rather vague form of self-understanding. Since the (neo) Lapp, the forest Sámi and the non-status Sámi may share attributes in common with the Sámi, such as Sámi ancestry, they may feel affinity within the Sámi category. The shared attributes thus guarantee sufficient grounds for identification through which an individual may feel belonging and thereby become part of the group. According to these interpretations, anyone applying for inclusion in the electoral register, as long as they regard themselves as Sámi and fulfil all the other categorical Sámi criteria, has an indisputable right to be accepted to the group.

In conclusion

In our article, we have discussed the problematique of defining an indigenous people on the basis of a case study of ethno-political conflict concerning Sámi subjectivity in Finland. This conflict has recently escalated with the previous government's commitment to ratify ILO Convention 169. We have suggested that, in order to deconstruct the apparent ethno-political conflict, it is necessary to work with the concept of category rather than automatically regard the situation as a conflict between ethnic groups. Maintaining a systematic distinction between group and category makes it possible to problematise the relationship between them.

As we have shown, the ethno-political conflict at hand is the result of confusing category with group. In this debate on indigeneity, the different parties are often automatically considered to be clearly defined groups with common purposes, interests and goals. However, our research shows that indigeneity is not an ethno-cultural, objectively existing fact, but an act of framing and a political demand. The possible rights associated with the category of indigeneity have increased its appeal among the local people of Northern Finland and made it a more attractive idea for them to belong to the official indigenous people in Finland, the Sámi. As they have not been recognised as Sámi among the Sámi themselves – or have not earlier been interested in being part of official political community of the Sámi – and thereby not been included in the Sámi Parliament electoral register, they have opted to challenge the foundations of the contemporary Sámi group and to form new ethnic categories that they claim are actual ethnic groups.

Ethno-political entrepreneurs have presented their claims regarding Sáminess and/or the indigenous people defined in the ILO 169 Convention through the categories of Lappness, forest Sáminess and non-status Sáminess. These categories can be justified through an interpretation of indigeneity in national contexts. Yet these justifications – descendancy, territoriality or identification – are not enough to prove that these categories actually describe existing ethnic groups that constitute the indigenous people referred to in ILO Convention 169 in Finland. Original population does not equal indigenous people. However, the category of 'indigenous people' in international law enables an interpretation according to which an

indigenous people consists of the inhabitants who live within the borders of a nation-state, who can prove a long-standing relationship to the land and who, earlier in history, were for various reasons defined by the authorities as Lapps. Yet this interpretation is problematic since descendency renders indigeneity as 'inheritance', without any specific demands regarding contemporary cultural belonging. This definition of indigeneity comes close to that of a race.

The question of defining who belong to indigenous people is a global story. Resulting from different colonial processes which have undermined indigenous peoples' own forms of self-governance as well as nation-state governments' attempts to legally order the membership of indigenous groups partly in order to strengthen and organise indigenous rights, partly to control indigenous peoples, the struggles over indigenous status are common all over the world (see e.g. Forte, 2013; Simpson, 2014; Sturm, 2010). Mohawk scholar Audra Simpson has discussed how the problematique is:

[o]n the one hand it's a part of the modern problem of identity: Who am I, who do I belong to, where do I belong? But it's also part of a global problem of settler colonialism and fundamentally undermining indigenous people's right to govern themselves. (Nykänen, 2015)

One part of the phenomenon, which is clearly visible in the Finnish context, is, as Isabel Altamirano-Jiménez (2013: 7) writes: '[t]he adoption of global discourses of indigeneity at the local level, although politically empowering, raises a number of extremely political questions. Who defines "Indigenous" and what is "authentic" or "traditional"'. In a situation of rapid societal change in the North, searching for ethnic roots and building indigenous identity are understandable ways of securing one's position and place.

The Sámi of today are considered a transnational ethnic group with a strong sense of solidarity. Although it has often been pointed out, as Lehtola (2012: 446) writes, that 'one of the most misleading generalisations regarding the Sámi culture and history is to see them as a singular people and form of culture', this transnational solidarity and cohesion has made possible the political organisation of the Sámi as a nation, with their own national symbols and institutions. New categories cannot deconstruct the contemporary transnational groupness of the Sámi, but they do, of course, raise questions about the ways in which the Sámi group could maintain its traditional diversity instead of becoming exclusive and strictly guarded.

We do not argue that the new categories could not contain elements of some kind of groupness, or that they could not lead to the formation of one or several ethnic groups in the future. Instead, we maintain that it is necessary to deconstruct groupism in order to be able to identify and analyse the interests, claims and needs of the parties to this ethnopolitical conflict. Ethnopolitical entrepreneurs can gain political support for their demands by framing them in ethnic terms – and they can certainly not be blamed for doing so.

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